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6 **UNITED STATES DISTRICT COURT**
7 **DISTRICT OF NEVADA**

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9 CARLOS A. ESCOBAR,
10 Petitioner,
11 vs.
12 ANTHONY SCILLIA, et al.,
13 Respondents.

Case No. 2:10-cv-01973-KJD-NJK
ORDER

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15 Petitioner has submitted a motion for enlargement of time to file response to court order
16 (first request) (#35). The court had found that petitioner had not exhausted his state-court remedies
17 for grounds 2, 3, 4, 5, 6, and 10 of the amended petition (#11). Order (#32). Counsel for petitioner
18 states that she has been unable to ascertain petitioner's wishes about what to do with the
19 unexhausted grounds. The court will grant petitioner's request. Counsel for petitioner might find
20 petitioner's proper-person motion for stay and abeyance (#33) to be of assistance.

21 Respondents have filed a motion to strike (#34) that proper-person motion. The court agrees
22 with respondents that petitioner may not file proper-person motions while he is represented by
23 counsel. Further briefing on the matter is not necessary, because the court is giving petitioner time
24 to file a correct response to the court's order.

25 IT IS THEREFORE ORDERED that respondents' motion to strike (#34) is **GRANTED**.
26 The proper-person is **STRICKEN** from the record.

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1 IT IS FURTHER ORDERED that petitioner's motion for enlargement of time to file
2 response to court order (first request) (#35) is **GRANTED**. Petitioner shall have through April 22,
3 2013, to file and serve a response to the court's order (#32).

4 DATED: March 22, 2013.

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7 KENT J. DAWSON
8 United States District Judge
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